

REMARKS:**THE PRIORITY CLAIM:**

In the above referenced Action, Examiner has variously rejected the claims by reiteration of Examiner's earlier rejections under 35 U.S.C. §102 and §103 citing Spykerman 6,375,055. Further, in paragraph 14 of that same Action, Examiner states several reasons why Examiner is not persuaded by Applicant's asserted priority date of December 17, 1998 thereby disqualifying Spykerman '055 as prior art against the instant application.

To that end, Applicant submits herewith the following:

1. A certified copy of the Swedish Priority Document No. 9804389-6;
2. An English translation of Swedish Priority Document No. 9804389-6, including Figures;
3. A Supplemental Declaration including claim for priority; and
4. A copy of the original filing receipt in the instant application indicating the USPTO's acknowledgment of Applicant's Swedish priority claim of December 17, 1998.

Based thereupon, Applicant again submits that the Spykerman 6,375,055 reference does not qualify as prior art under the provisions of 35 U.S.C. §102. Specifically, the Examiner will note that the earliest effective date for the Spykerman '055 reference is May 7, 1999, i.e. the earliest claimed U.S. filing date. In overcoming the Spykerman '055, Applicant asserts the priority claim to International Application No. PCT/SE99/02403, filed December 17, 1999 which designates the U.S. under 35 U.S.C. §120 and which in turn claims priority under the Paris Convention, Article 4 to Swedish Patent Application No. 9804389-6 filed December 17, 1998.

Thus by taking into account the priority claim of the present application, the effective date for purposes of prior art in the present case (December 17, 1998) predates that of the Spykerman '055 reference (May 7, 1999). Thus, by law, the Spykerman '055 reference does not qualify as prior art and therefore cannot serve as basis for the outstanding rejections.



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Applicant: ANDERS, Carlsson
Atty. Ref.: 07574.0066.PCUS00

THE REJECTIONS:

In the interest of completion, Applicant reiterates the arguments previously presented regarding Examiner's rejections.

The undersigned representative requests any extension of time that may be deemed necessary to further the prosecution of this application.

The undersigned representative authorizes the Commissioner to charge any additional fees under 37 C.F.R. 1.16 or 1.17 that may be required, or credit any overpayment, to Deposit Account No. 08-3038, referencing Order No. 07574.0066.PCUS00.

In order to facilitate the resolution of any issues or questions presented by this paper, the Examiner should directly contact the undersigned by phone to further the discussion.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Tracy W. Druce'. The signature is fluid and cursive, with the first name 'Tracy' being more prominent.

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